

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 TUESDAY, SEPTEMBER 8, 2015, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 5111 BENITO STREET, MONTCLAIR, CALIFORNIA

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**I. CALL TO ORDER**

Mayor/Chairman Eaton called the meeting to order at 7:00 p.m. and asked that everyone please silence their electronic devices as a courtesy to others while the meeting is in session.

**II. INVOCATION**

Mayor Eaton 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 Employee**

Public Safety Executive Director deMoet introduced **Mr. Michael Pena**, who was appointed to the position of Police Officer on August 24, 2015. He noted **Michael** grew up in Whittier and was a student athlete. He enrolled in **Fullerton College Extended Police Academy** in August 2013 and graduated in May 2014. Public Safety Executive Director deMoet stated Officer Pena is grateful for having the opportunity to live out his dream of being a Law Enforcement Officer and looks forward to a long career of public service.

Mayor Eaton welcomed Police Officer Pena to the Montclair City family and presented him with a City pin.

**B. Proclamation Declaring September as "Childhood Cancer Awareness Month" in the City of Montclair**

Mayor Eaton read a proclamation declaring September 2015 as "Childhood Cancer Awareness Month" in the City of Montclair. He stated that the proclamation would be mailed to the **Kids Cancer Connection Family House and Wellness Center**.

Mayor Eaton thanked audience members for their attendance and noted that those who would like to leave the meeting at this time could do so.

**VI. PUBLIC COMMENT**

Pursuant to Government Code Section 54954.3, Mayor/Chairman 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. **Ms. Karen Haughey**, Field Representative, **San Bernardino County Fourth District Supervisor Curt Hagman's Office**, invited the City Council and members of the Montclair community to an upcoming event being sponsored by **Supervisor Hagman's** office:

**E-Waste Drive** - September 14-19, 2015, times and locations  
**Donate Old** posted on Supervisor Hagman's website at  
**Laptops or Tablets** [www.sbcounty.gov/bosd4/calendar/default](http://www.sbcounty.gov/bosd4/calendar/default)

She stated that she hopes the City Council and members of the community will participate by donating their old electronics.

- B. **San Bernardino County Fourth District Supervisor Curt Hagman** thanked the City Council and staff for hosting a fantastic tour of the City's facilities and programs for his office's staff. He emphasized the importance of familiarizing his staff with programs provided by cities within the district and knowing the resources available to constituents.

- C. **Mr. Christopher Craig**, Field Representative, **52nd District Assembly Member Freddie Rodriguez's District Office**, presented a proclamation to Public Safety Executive Director deMoet for the successful **National Night Out** event held on August 4, 2015. Public Safety Executive Director deMoet invited Lieutenant Brandon Kumanski to share in receiving the proclamation, noting he was the reason the event was such a huge success.

Field Representative Craig also announced Assembly Member Rodriguez will be hosting a pet adoption event in partnership with the **Inland Valley Humane Society (IVHS)** on Friday, October 9, 2015, from 10:00 a.m. through 5:30 p.m. at the **IVHS** main office, 500 Human Way, Pomona.

- D. **Mr. Bruce Culp**, 9016 Sycamore Avenue, Montclair, advised the City Council that **Paseos at Montclair North** management have worked with staff to develop a new parking policy for its residents that will reduce the number of assigned parking spaces for single-bedroom apartments. He noted this would create a shortage of parking and asked that staff work with the residents to come up with a more suitable plan. He urged the City Council to also give greater consideration to the parking situation for residents in upcoming residential development projects to ensure that the size of the property will provide ample parking for all future residents.

**VII. PUBLIC HEARINGS - None**

**VIII. CONSENT CALENDAR**

Council Member/Director Dutrey requested that Item B-I be removed from the consent calendar for comment.

City Attorney Robbins asked that Item C-5 be pulled from the consent calendar for comment.

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Ruh, and carried unanimously to approve the following Consent Calendar 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 August 17, 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 August 17, 2015 regular joint meeting.

## **B. Administrative Reports**

### **2. Approval of Grant Fund Balance Carryover from Prior Fiscal Years**

The City Council approved the Human Services Department's use of \$20,222 in grant funding left over from prior fiscal years.

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

The City Council approved the City Warrant Register dated September 8, 2015, totaling \$2,041,597.07; and the Payroll Documentation dated August 23, 2015, amounting to \$569,819.88 gross, with \$398,783.80 net being the total cash disbursement.

## **C. Agreements**

### **1. Approval of *Agreement No. 15-72-I-93*, an Irrevocable Annexation Agreement with Tollis, Inc., for 5282 Mission Boulevard (Assessor's Parcel Nos. 1011-283-01, 28, 29, & 30)**

The City Council approved *Agreement No. 15-72-I-93*, an Irrevocable Annexation Agreement with Tollis, Inc., for the property located at 5282 Mission Boulevard.

### **2. Approval of *Agreement Nos. 15-75, 15-76, 15-77, 15-78, and 15-79*, with Montclair Golden Girls Softball League, Montclair Little League, and All Cities Youth Baseball, Respectively, for Use of Ball Field Facilities**

The City Council approved *Agreement Nos. 15-75, 15-76, 15-77, 15-78, and 15-79*, with Montclair Golden Girls Softball League, Montclair Little League, and All Cities Youth Baseball for use of ball field facilities.

### **3. Approval of a Memorandum of Understanding Between the San Bernardino County Transportation Authority and the City of Montclair for the Development of the Interstate-10 Monte Vista Avenue Interchange Project**

**Approval of *Agreement No. 15-80* with the San Bernardino County Transportation Authority for Planning, Project Report, and Environmental Document of the Interstate-10 Monte Vista Avenue Interchange Project**

The City Council took the following actions:

- (a) Approved a Memorandum of Understanding between the San Bernardino County Transportation Authority and the City of Montclair for the development of the Interstate-10 Monte Vista Avenue Interchange Project.
- (b) Approved *Agreement No. 15-80* with the San Bernardino County Transportation Authority for planning, project report, and environmental document of the Interstate-10 Monte Vista Avenue Interchange Project.

**4. Approval of Agreement No. 15-81 with Ontario-Montclair School District to Provide a Licensed Clinical Social Worker for the Case Management Program**

The City Council approved *Agreement No. 15-81* with Ontario-Montclair School District to provide a licensed clinical social worker for the Case Management Program.

**6. Approval of Agreement No. 15-83 with the Hope Through Housing Foundation to Provide an After-School Program at San Antonio Vista and Vista Del Cielo Apartments**

The City Council approved *Agreement No. 15-83* with the Hope through Housing Foundation to provide an after-school program at the San Antonio Vista and Vista del Cielo Apartments.

**7. Approval of Agreement No. 15-84 with National College of Technical Instruction Authorizing the Fire Department to Provide Clinical Training for Emergency Medical Students**

The City Council approved *Agreement No. 15-84* with the National College of Technical Instruction authorizing the Fire Department to provide clinical training for emergency medical students.

**8. Approval of Agreement No. 15-85-I-94, an Irrevocable Annexation Agreement with Adalberto Oropeza, for 11134 Roswell Avenue (Assessor's Parcel No. 1012-421-26)**

The City Council approved *Agreement No. 15-85-I-94*, an Irrevocable Annexation Agreement with Adalberto Oropeza, for the property located at 11134 Roswell Avenue.

**D. Resolutions**

**1. Adoption of Resolution No. 15-3086 Adopting a Measure I Five-Year Capital Improvement Program**

The City Council adopted Resolution No. 15-3086 adopting a Measure I Five-Year Capital Improvement Program.

**2. Adoption of Resolution No. 15-3093 Adopting a Five-Year Capital Project Needs Analysis**

The City Council adopted Resolution No. 15-3093 adopting a Five-Year Capital Project Needs Analysis.

**IX. PULLED CONSENT CALENDAR ITEMS**

**B. Administrative Reports**

**1. Setting a Public Hearing to Consider the Following:**

**Adoption of Resolution No. 15-3094 Approving an Amendment to the General Plan Land Use Map for 1.07 Acres at 10998 Central Avenue, Modifying the Land Use Designation from "General Commercial" to "Medium-Density Residential (8-14 Dwelling Units/Acre)"**

**Adoption of Resolution No. 15-3095 Approving an Amendment to the City's Official Zoning Map for 1.07 Acres at 10998 Central Avenue, Modifying the Zoning Designation from "R-1(20)" (Single-Family Residential, Minimum 20,000 Square-Foot Lot Area) to "R-3" (Medium-High Density Residential)**

**Approval of Tentative Tract Map No. 19971 for a Single-Lot Subdivision for a 13-Unit Residential Condominium Development at 10998 Central Avenue**

Council Member Dutrey requested that staff address the issue of whether the developer was asked to acquire the adjacent property. He also requested that the City Council hold a workshop to discuss implementation of a General Plan update that would mitigate the need to update the General Plan for each new development.

Moved by Council Member Dutrey, seconded by Council Member Ruh, and carried unanimously that the City Council set a public hearing for Monday, September 21, 2015, at 7:00 p.m. in the City Council Chambers to consider the following:

- (a) Adoption of Resolution No. 15-3094 approving an amendment to the General Plan Land Use Map for 1.07 acres at 10998 Central Avenue, modifying the land use designation from "General Commercial" to "Medium-Density Residential (8-14 dwelling units/acre)."
- (b) Adoption of Resolution No. 15-3095 approving an amendment to the City's Official Zoning Map for 1.07 acres at 10998 Central Avenue, modifying the zoning designation from "R-1(20)" (Single-Family Residential, minimum 20,000 square-foot lot area) to "R-3" (Medium-High Density Residential).
- (c) Approval of Tentative Tract Map No. 19971 for a single-lot subdivision for a 13-unit residential condominium development at 10998 Central Avenue.

**C. Agreements**

**5. Approval of *Agreement No. 15-82* with MIG, Inc., for the Conceptual Design of Streetscape and Infrastructure Design for the North Montclair Downtown Specific Plan Project**

**Appropriation of \$250,000 from Tax Exempt Tax Allocation Bond Proceeds**

**Authorizing a Design Contingency of \$25,000 for Additional Design as may be Determined Necessary by the City Manager**

City Attorney Robbins asked that the City Council approve *Agreement No. 15-82* subject to minor revisions by the City Attorney.

Moved by Mayor Eaton, seconded by Mayor Pro Tem Raft, and carried unanimously that the City Council take the following actions:

- (a) Approve *Agreement No. 15-82* with MIG, Inc., for the conceptual design of streetscape and infrastructure design for the North Montclair Downtown Specific Plan Project, subject to minor revisions by the City Attorney.
- (b) Appropriate \$250,000 from Tax Exempt Tax Allocation Bond Proceeds.
- (c) Authorize a Design Contingency of \$25,000 for Additional Design as may be Determined Necessary by the City Manager.

X. **RESPONSE** – None

XI. **COMMUNICATIONS**

A. **City Department Reports**

1. **Economic Development Department**

Deputy City Manager/Economic Development Executive Director Staats reported the following:

- a. **Update on Oversight Board Activities** – At tomorrow's regular meeting, the Oversight Board will consider adopting the Recognized Obligation Payment Schedule (ROPS) for January through June of 2016. DOF has approved the Successor Agency's request to update the appraisal for one of the properties listed on the ROPS.
- b. **Sign Ordinance Review** – Staff has begun its discussions with a developer to establish LED sign guidelines which will serve as the standard for future LED signs in the City.

2. **Police Department**

Public Safety Executive Director deMoet reported the following:

- a. **Traffic Division Statistics Update** – Police Department staff has been tracking traffic statics since the Traffic Division has been reinstated. So far, in comparing the first seven-month period this year to 2014, there has been an 11 percent reduction in traffic collisions, a 3 percent reduction in traffic-related injuries, a 53.3 percent increase in traffic citations, and a 24.2 percent increase in 30-day impounds. He advised that enforcement efforts have included saturation patrol and DUI check points. A formal report will be released in about six months.
- b. **K-9 Program Update** – The trainers have selected the green-collared Bloodhound puppy as the dog that the Montclair Police Department will be receiving in March next year for its new K-9 Program. The dog's name is **Cù Bòcan**, based on a Gaelic legend "ghost dog," but the dog will likely be called "Bo." He advised that he plans to have the dog sworn in at a City Council meeting.

3. **Fire Department**

Interim Fire Chief Corbin reported the following:

- a. **Planning for Fire Department Open House Event** – The Fire Department is putting final touches on planning its annual Open House, Pancake Breakfast, and Blood Drive event, which will take place on October 10, 2015, from 8:30-11:30 a.m. at the Montclair Fire Department Station No. 1, 8901 Monte Vista Avenue. The blood drive goal is to have 42 people donate. Fire personnel will demonstrate rescue tactics using equipment such as the newly acquired manikins. Montclair Hospital Medical Center has generously donated \$1,000 to offset expenses for the event.
- b. **SoCal Regional Exercise for Anthrax Disaster Incident (READI)** – Although Anthrax is not often discussed in recent days, first responders train to respond to such disaster incidents that may be perceived by terrorists as

weak spots in the system. The exercise is coordinated throughout Southern California and will be held from November 16-20. On November 17, 2015, Montclair's Fire personnel will be trained on how to activate the closed "point of dispensing" (POD) site, which is a facility used to dispense medical supplies to first responders so they can treat those affected in the community. On November 19, 2015, Fire personnel will visit San Bernardino County's operations center to observe how it receives and distributes mass prophylaxis. He invited the community to join if they are interested.

#### 4. Finance Department

- a. **Agreed-Upon Procedural Review** – Finance Director Parker reported some information that was presented to the City Council at the workshop held earlier this evening. He noted the City requested an independent audit of payments made to the City Manager and Executive Management employees in response to allegations made in the recall petitions. The independent review consisted of auditors independently accessing information from the City's finance software and comparing the City Manager and Executive Management's compensation. The result of the independent review was that "no exceptions were noted," meaning no unauthorized payments were discovered between 2010 and 2015. Some of the findings included that City Manager Starr received \$124,000 less than he was due in salary as well as in areas of miscellaneous pay such as automobile allowance. The report will be posted on the City's website and available for public inspection should they desire to view it.

#### 5. Public Works Department

Public Works Director Hudson reported the following:

##### a. Capital Projects Update

- *Human Services and Recreation Facility ADA Upgrade Project* – Project has been completed. Work included upgrade of restrooms, showers, locker rooms, widening of the racquetball court door, and the addition of a check-in counter. Tours may be scheduled through Human Services Director Richter.
- *Reeder Citrus Ranch Stabilization Project* – Rasmussen Brothers, Inc., the company that worked on the recreation facility, will shortly begin construction on this project.
- *Human Services and Recreation Weight Room Facility ADA Upgrade Project* – Phase 2 of the Human Services recreation building updates will begin shortly. Work will include expansion of the weight room (which may be renamed to the fitness center) to about three times its current size, and more ADA compliance upgrades.
- *Signal Modification Project at Central Avenue and San Bernardino Street* – Project will not begin until 2016 because the signal equipment takes three to four months to arrive.
- *Various Sidewalk Construction Projects* – Home-

owners have expressed interest in petitioning for sidewalks on their streets. Staff is developing a form petition that will facilitate these requests. This process is governed by the Street Improvement Act of 1911 and requires homeowners to help pay for the cost of installing sidewalks. Staff believes the first petitions to be circulated will be for the area of Ramona Avenue between Moreno and San Jose Streets, which will require a separate petition for each of the three blocks within that area. Once that is turned in, it will be submitted to the City Council as a Public Hearing item to establish the assessment district.

- b. **Monte Vista Avenue Grade Separation/Union Pacific Railroad Update** - All deadlines for this project have been met and are expected to be met until construction can begin. It is anticipated that full funding will be achieved.

## 6. Community Development Department

- a. **Demolition of a Substandard Building** - Community Development Director Lustro reported that staff has finally seen the demolition of the former World Brake building at 4100 Mission Boulevard, which suffered significant damage from a fire at the end of 2012. The building has created an eyesore ever since, but the new owner of the property worked with the City to safely demolish the building.

## 7. Human Services Department

- a. **Overview of New Human Services Activity Brochure** - Human Services Director Richter reported that the Human Services Department has issued its Fall Activities Brochure, which includes a new ceramics class, Zumba, and the Young Chefs Academy. She noted the brochure also contains information about Montclair Day at the Fair on September 11, 2015.

## 8. City Clerk's Office

- a. **Recall Petition Process Update** - Deputy City Clerk Phillips reported that the third drafts of the three recall petitions are being reviewed, and a notice will be mailed to the proponents' legal representative by the end of the week to notify them whether the drafts have been approved for circulation or require further corrections.

## B. 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**

*Montclair Successor Agency v. California Department of Finance*

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

C. **City Manager/Executive Director** – No comments

D. **Mayor/Chairman**

Mayor/Chairman Eaton thanked the City Manager and staff for putting on a great show for **Supervisor Hagman's** office, and reported that he attended **OmniTrans** and **San Bernardino Associated Governments Board** meetings.

E. **City Council/Successor Agency Board/MHC Board/MHA Board/MCF Board**

1. Council Member/Director Martinez commented as follows:

- (a) She advised Food Truck Tuesdays are still being held on Tuesdays from 5:30–8:30 p.m. in the **Montclair Plaza** south parking lot by **Barnes & Noble**.
- (b) She advised **Metro Honda** will be holding its grand re-opening party and ribbon cutting ceremony on Thursday, September 17, 2015, from 6:00–9:00 p.m., at 9399 Autoplex Drive, Montclair.
- (c) She stated that **Magdaleno's Banquets and Catering**, 220 North Central Avenue, Upland, has cancelled and will reschedule its open house event that was originally to be held on Friday, September 11, 2015.
- (d) She recognized Senior Citizens Program Specialist Ester Vargas-Pipersky for putting on a movie for a senior who was misinformed of the date for the movie event due to a calendar printing error.

2. Council Member/Director Dutrey commented as follows:

- (a) He asked Deputy City Clerk Phillips to state for the record the person who has been filing the recall petition drafts on behalf of the petitioners.

Deputy City Clerk Phillips stated, "Dieter Dammeier."

He asked City Attorney Robbins who is the lawyer representing the plaintiff in *Camou v. Montclair*.

City Attorney Robbins stated, "Dieter Dammeier."

He thanked Deputy City Clerk Phillips and City Attorney Robbins for confirming his suspicions and stated it shows what this recall is really about.

- (b) He noted **U.S. Army** Sergeant and Montclair resident **John-Paul Polito** was recognized at a **USC** football game he attended last Saturday.
- (c) He recognized the Montclair Police Department for solving a double homicide that occurred in February this

year. He confirmed with Public Safety Executive Director deMoet that all homicides committed from 2014 through 2015 have now been solved.

- (d) He wished happy birthday to Council Member Martinez.

Council Member Martinez responded, "Happy birthday to you, too!"

- 3. Council Member/Director Ruh commented as follows:

- (a) He commended Public Safety Executive Director deMoet for the Police Department's work in solving the double homicide case.
- (b) He stated the **Gold Line** station grand opening events have been very successful and have received overwhelming public support.
- (c) He stated he is glad that **Supervisor Hagman's** office had a great experience on the tour and thanked staff for its work in organizing it.
- (d) In observation of **Labor Day** on Monday, he recognized the labor community, especially those who work tirelessly outdoors in the extreme heat the area has been experiencing recently.

#### **F. Committee Meeting Minutes**

- 1. **Minutes of Personnel Committee Meeting of August 3, 2015**

The City Council received and filed the Personnel Committee meeting minutes of August 17, 2015, for informational purposes.

- 2. **Minutes of Code Enforcement/Public Safety Committee Meeting of August 17, 2015**

The City Council received and filed the Code Enforcement/Public Safety Committee meeting minutes of August 17, 2015, for informational purposes.

- 3. **Minutes of Public Works Committee Meeting of August 20, 2015**

The City Council received and filed the Public Works Committee meeting minutes of August 20, 2015, for informational purposes.

#### **XII. ADJOURNMENT OF MONTCLAIR HOUSING CORPORATION BOARD OF DIRECTORS, MONTCLAIR HOUSING AUTHORITY COMMISSIONERS, AND MONTCLAIR COMMUNITY FOUNDATION BOARD OF DIRECTORS**

At 7:59 p.m., Chairman Eaton adjourned the Montclair Housing Corporation Board of Directors, the Montclair Housing Authority Commissioners, and the Montclair Community Foundation Board of Directors.

At 8:00 p.m., the City Council and Successor Agency Board went into Closed Session regarding pending litigation and labor negotiations pursuant to Government Code Sections 54956.9(d)(1) and 54957.6, respectively.

#### **XIV. CLOSED SESSION ANNOUNCEMENTS**

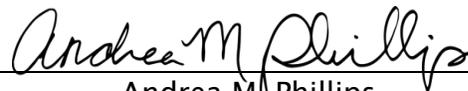
At 8:31 p.m., the City Council and Successor Agency Board returned from Closed Session. Mayor/Chairman Eaton announced the City

Council met in Closed Session regarding pending litigation and labor negotiations and the Successor Agency Board 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.

**XV. ADJOURNMENT OF CITY COUNCIL AND SUCCESSOR AGENCY**

At 8:31 p.m., Mayor/Chairman Eaton adjourned the City Council and Successor Agency Board of Directors.

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



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Andrea M. Phillips  
Deputy City Clerk