

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

I. CALL TO ORDER

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

II. INVOCATION

Pastor Juan Campos, New Destiny Fellowship Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Raft led those assembled in the Pledge.

IV. ROLL CALL

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

V. PRESENTATIONS

A. Proclamation Honoring Retired President of Great Metro Auto Group and Founder of Metro Honda and Metro Acura, Mr. John Hawkins

A PowerPoint presentation portrayed photos of Metro Honda's showroom complex before, during, and after construction was completed on the remodel.

Mayor Eaton read a proclamation honoring retired President of Great Metro Auto Group and founder of Metro Honda and Metro Acura, **Mr. John Hawkins**, and presented the framed proclamation to **Mr. Hawkins**.

Mr. Hawkins thanked the City for its continued support of his Autoplex business since it opened in Montclair in 1981.

B. Introduction of New Fire Chief

City Manager Starr introduced **Mr. Paul Segalla**, who was appointed Chief of the Montclair and Upland Fire Departments effective November 23, 2015.

City Manager Starr stated, "**Mr. Segalla** brings a wealth of managerial and front-line experience that includes over thirty years in the fire service. Most recently, **Mr. Segalla** 'acted' as Fire Chief for **Paramount Studios** in Hollywood, 'directing' emergency protection services for the studio's employees, visitors, studio property, and archival assets. Prior to his work at **Paramount Studios**, **Mr. Segalla** served as fire chief for the **Chino Valley Independent Fire District** serving Chino, Chino Hills and unincorporated areas of San Bernardino County; and, from 2008 to

2013, as Fire Chief for the **City of West Covina**.

"Before moving to California, Chief Segalla was the Fire Officer Program Manager for the **University of Illinois Fire Service Institute** from 2005 to 2008, coordinating state Fire Academy activities in the Chicago metro region and Fire Officer training throughout Illinois. He also served as Fire Chief of the **Lockport Township Fire District**, Deputy Chief for the **Downers Grove Fire Department**, and Lieutenant for the **Aurora Fire Department**.

"**Mr. Segalla** has extensive experience in fire service-related disciplines, including staffing plans, station location and vehicle placement planning, strategic planning and mergers, and consolidations and shared service agreements. His experience in mergers is anticipated to be a significant asset in his position as Fire Chief of the Montclair and Upland Fire Departments as we move forward on our joint consolidation efforts.

"**Mr. Segalla's** Educational accomplishments include an Associate Degree in Fire Science Technology, a Baccalaureate Degree in Fire Service Management, and a Master's Degree in Public Administration. He is a graduate of the National Fire Academy's Executive Fire Officer Program, and completed high performance organization training at the **University of Virginia**.

"**Mr. Segalla** is a current and past member of various fire service organizations including the **International Association of Fire Chiefs**, the **California Fire Chiefs Association** and the **Illinois Fire Chiefs Association**, where he served as that Board's Grants Committee Chairman for the **IFCA Educational and Research Foundation**—a role he also assumed for the **Los Angeles Area Fire Chiefs Association**.

"**Mr. Segalla** has served as a Certified Instructor for the **Los Angeles Area Fire Chiefs Association**, the **Illinois Fire Service Institute** and the **Illinois Fire Chiefs Association**; and has taught throughout the nation in the areas of planning, incident management, unified command, and officer development."

City Manager Starr noted Chief Segalla grew up in the Chicago area and now resides with his wife of 22 years, Amy, in Rancho Cucamonga with their teenage son, Matthew. His family often enjoys trips to the **Disneyland Resort**, and are fans of the **Chicago Blackhawks** hockey team.

Mayor Eaton welcomed Fire Chief Segalla and presented him with a City pin.

C. Introduction of New Employee

Public Safety Executive Director deMoet introduced **Matthew Goddard**, who was appointed to the position of Police Officer effective November 16, 2015.

Public Safety Executive Director deMoet noted **Mr. Goddard** is a Southern California native born in Pomona and raised in Riverside with his two brothers. He attended **King High School**, graduating in 2010, and went on to attend college at **Riverside Community College** while working at an auto parts store. In May of 2015, **Mr. Goddard** enrolled in the **Riverside County Sheriff's Department Law Enforcement Academy** as a self-sponsored recruit until he was hired by the Montclair Police Department in July. He graduated from the Academy on November 5, 2015.

Mr. Goddard enjoys saltwater fishing, camping, hiking, horseback riding, and working on cars with his father.

Mayor Eaton welcomed Police Officer Goddard 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, and the Montclair Housing Authority Commissioners.

A. **Ms. Suzette Dang**, Field Representative, **San Bernardino County 4th District Supervisor Curt Hagman's Office**, made the following comments:

1. She advised that those who are interested in making a donation to the **San Bernardino United Relief Fund** to support the families of the victims of the December 2, 2015 San Bernardino terrorist attack can text "SBUNITED" to 71777. She noted this drive is sponsored by **Arrowhead United Way**.
2. She invited the City Council and members of the Montclair community to the following upcoming event sponsored by Supervisor Hagman's office:

Christmas – December 10, 2015, 5:30 to 7:30 p.m.
Open House Supervisor Hagman's District Office
14000 City Center Drive, Chino Hills, CA

Attendees are encouraged to bring a new, unwrapped toy to be donated to Chino Neighborhood House.

She stated she hopes to see everyone there and thanked Mayor Eaton and the City Council.

VII. PUBLIC HEARINGS

A. **First Reading – Consider Adoption of Ordinance No. 15-955 Amending Chapter 11.10 of the Montclair Municipal Code Prohibiting Medical Marijuana Dispensaries, Cultivation of Marijuana, and All Commercial Medical Marijuana Uses in the City**

Mayor Eaton declared it the time and place set for public hearing related to Ordinance No. 15-955 amending Chapter 11.10 of the Montclair Municipal Code prohibiting medical marijuana dispensaries, cultivation of marijuana, and all commercial medical marijuana uses 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 Dutrey stated he is in support of this item and thanked staff for bringing it to the City Council promptly. He noted it is not intended to prevent people from using medical marijuana, but to avoid the risks of criminal activity, degradation of the natural environment, high water usage, odors, and indoor electrical fire hazards.

Moved by Council Member Dutrey and seconded by Council Member Martinez that the City Council read Ordinance No. 15-955, entitled, "**An Ordinance of the City Council of the City of Montclair, California, Amending Section 11.10.030 of the Montclair Municipal Code Prohibiting Medical Marijuana Dispensaries, Cultivation of Marijuana, and All Commercial Medical Marijuana Uses in the City,**" 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. 15-955 was unanimously adopted by the following vote:

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

Council Member Ruh stated this is an issue we, as a community, need to take seriously. He advised that there are ramifications associated with not enacting this Ordinance in time to override the state's authority. He warned that if no action is taken, a property could be confiscated from the owner under federal asset forfeiture laws if a tenant is cultivating marijuana because contraventions of federal laws supersede those of the state. He also indicated that this Ordinance would give City officials the authority to enforce a ban on marijuana use in public places. He noted this is an important action to protect citizens who rent out properties as well as those who enjoy public spaces. He stated he feels the City is moving in the right direction on this.

VIII. CONSENT CALENDAR

City Attorney Robbins requested Item C-3 be removed from the consent calendar for comment.

Moved by Council Member/Director Dutrey, seconded by Council Member/Director Ruh, and carried unanimously to approve the remainder of the Consent Calendar, 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 November 16, 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 November 16, 2015 regular joint meeting.

B. Administrative Reports

1. Montclair Housing Authority Commissioners' Review and Acceptance of the Annual Report for Fiscal Year 2014-15

The Montclair Housing Authority Commissioners accepted the Montclair Housing Authority Annual Report for Fiscal Year 2014-15.

2. Approval of City Warrant Register and Payroll Documentations

The City Council approved the City Warrant Register dated December 7, 2015, totaling \$1,884,255.20; the Payroll Documentation dated November 15, 2015, amounting to \$542,540.76 gross, with \$381,942.05 being the total cash disbursement; and the Payroll Documentation dated November 29, 2015, amounting to \$525,330.76 gross, with \$388,119.46 net being the total cash disbursement.

C. Agreements

1. Rejection of Bid Proposal Received from Abbound Diamond Construction, Inc., as Discussed Herein, as Being Non-Responsive to the Notice Inviting Bids

Rejection of Bid Proposal Received from New Millennium Construction Services, as Discussed Herein, as Being Non-Responsive to Notice Inviting Bids

Award of Contract for the Human Services Recreation Building Improvement Project Phase 2 to Rasmussen Brothers Construction, Inc.

Approval of *Agreement No. 15-93* with Rasmussen Brothers Construction, Inc., for Construction of the Human Services Recreation Building Improvement Project Phase 2

Authorization of a \$25,000 Construction Contingency

The City Council took the following actions in relation to the Human Services Recreation Building Improvement Project Phase 2:

- (a) Rejected the bid proposal from Abbound Diamond Construction, Inc., as discussed herein, as being non-responsive to the Notice Inviting Bids.
 - (b) Rejected the bid proposal from New Millennium Construction Services, as discussed herein, as being non-responsive to the Notice Inviting Bids.
 - (c) Awarded the contract to Rasmussen Brothers Construction, Inc.
 - (d) Approved *Agreement No. 15-93* with Rasmussen Brothers Construction, Inc., for construction of the project.
 - (e) Authorized a \$25,000 construction contingency.
- ### 2. Approval of *Agreement No. 15-94* with the City of Upland Extending the Term of *Agreement No. 13-100* for Joint Sharing of Fire Department Command Staff and Expansion of Automatic and Mutual Aid Through Mutual Agreement to Vacate Service Boundaries

Authorizing the City Manager to Execute All Documents on Behalf of the City of Montclair in Relation to Implementation of *Agreement No. 15-94*

The City Council took the following actions:

- (a) Approved *Agreement No. 15-94* with the City of Upland extending the term of *Agreement No. 13-100* for joint sharing of Fire Department command staff and expansion of automatic and mutual aid through mutual agreement to vacate service boundaries.
- (b) Authorized the City Manager to execute all documents on behalf of the City of Montclair in relation to implementation of *Agreement No. 15-94*.

D. Resolutions

1. Adoption of Resolution No. 15-3106 Amending Park Curfew Hours at MacArthur Park

The City Council adopted Resolution No. 15-3106 amending park curfew hours at MacArthur Park to be closed from 8 p.m. to 5 a.m. daily.

IX. PULLED CONSENT CALENDAR ITEMS

C. Agreements

3. **Approval of *Agreement No. 15-95* with Quach Investments, or Buyer of Property Located at 4875 Mission Boulevard, Guarantying the Undergrounding of Existing Overhead Utilities Along the Mission Boulevard and Monte Vista Avenue Frontages of this Property, Subject to Revisions and Completion of Agreement by City Attorney**

Authorizing City Manager or Finance Director to Release Funds from the Escrow Account to be Established Under this Agreement

City Attorney Robbins noted an updated version of *Agreement No. 15-95* was provided to the City Council before the meeting. She advised this Agreement is still subject to negotiation by Quach Investments, but will likely only see minor changes from this point and the intent of the agreement has been established and will not change. She noted that the recently negotiated agreement requires Quach Investments to pay the undergrounding costs from the property sale proceeds directly to the City rather than go through an escrow company to avoid additional fees and maintain control of the funds.

She requested the Council approve this agreement subject to further revisions and final approval by the City Attorney.

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

- (a) Approve *Agreement No. 15-95* with the Quach Investments, or buyer of property located at 4875 Mission Boulevard, guarantying the undergrounding of existing overhead utilities along the Mission Boulevard and Monte Vista Avenue frontages of this property, subject to revisions and completion of agreement by City Attorney.
- (b) Authorize the City Manager or Finance Director to release funds from the escrow account to be established under *Agreement No. 15-95*.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Department Reports

1. Police Department

Public Safety Executive Director deMoet urged the community to report any suspicious activity they observe, which could be as inconspicuous as asking for unusual details about a building or taking photographs at the Transcenter. He noted several reports have stated the San Bernardino shooters had exhibited suspicious behavior by friends and neighbors before the shooting that was never reported.

- a. **Montclair Police Officers Association (MPOA) Breast Cancer Awareness Fundraiser** - MPOA raised \$1,000 for breast cancer awareness in October, and \$1,985 for men's cancers in November. He noted the *No Shave November* fundraising effort raised \$1.6 million nationwide.

2. Human Services Department

Human Services Director Richter reported the following:

a. Holiday Programs Update -

- *Annual Holiday Food & Toy Drive* - The drive is off to a great start and will continue through December 10. Donations of non-perishable food items and new, unwrapped toys are welcome to be dropped off at one of the collection points located throughout the City. There is also a drive scheduled at Costco on Friday, December 11, from 10:00 a.m. to 2:00 p.m., and the radio station **KFRG 95.1 FM** will be doing a "Spark of Love" toy drive for Montclair on Saturday, December 12, from 2:00 to 4:00 p.m. at **Montclair Place**.
- *Holiday Tree-Lighting Ceremony* - Over 600 community members attended the program. More than 300 photos were taken and 225 letters were written to Santa.
- *Dashing Through Montclair* - The event was well-received by the community and over 150 toys were collected at the various stops throughout the day.
- *Holiday Home Decoration Contest* - Montclair residents are invited to submit their entries, which are due to the Recreation Center front desk by 9:30 p.m. on Friday, December 11. The Community Action Committee will judge the entries on Monday, December 14, and awards will be presented at the next Council meeting on December 21, 2015, at 7:00 p.m.

B. City Attorney

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

1. Closed Session Pursuant to Government Code Section 54956.9(d)(4) Regarding Potential Litigation

1 Potential Case

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

Camou v. Montclair

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

Patton v. Montclair

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

Montclair v. Beltran

5. 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 General Employees Association
Montclair Fire Fighters Association
Montclair Police Officers Association

C. **City Manager/Executive Director** – None

D. **Mayor/Chairman**

Mayor/Chairman Eaton reported that he attended meetings of the **Omnitrans Administrative and Finance Committee** and **San Bernardino Associated Governments Board**. He noted he was unfortunately unable to *dash through Montclair* with **Santa** and **Mrs. Claus** but noted his street did see them pass by. He thanked staff for doing a great job on the event.

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

1. Council Member Martinez commented as follows:

- (a) She thanked **Supervisor Hagman's** office for always sending a representative to the Senior Birthday Parties, noting it means a lot to them.
- (b) She noted that this month's Senior Birthday Party event will be held this Wednesday instead of the last Wednesday of the month. She added that tickets for this month's birthday party have already sold out.
- (c) She noted she had a good time at the *Dashing Through Montclair* event and thanked the public safety officers for making the event a success, and City Manager Starr for donating a sack of toys.
- (d) She stated she also had a great time at the *Tree Lighting Ceremony* and loved watching the kids meet Santa. She recognized a former City employee for returning to volunteer at the event.

2. Mayor Pro Tem Raft commented as follows:

- (a) She noted she was glad to hear that over 600 people attended the *Tree Lighting Ceremony*.
- (b) She stated she had a great time *dashing through Montclair*, adding it was great seeing the kids come out. She noted the adults even seemed to enjoy it.
- (c) She commended the public safety agencies that responded to the December 3rd terrorist attack in San Bernardino and urged people to report anything suspicious they see.

3. Council Member/Director Dutrey commented as follows:

- (a) He noted Agreement No. 15-94, approved by the City Council earlier this evening, will extend the Montclair-Upland command staff sharing pilot program for an additional two years. He stated he feels it is good to continue this agreement for two years in conjunction with the new Fire Chief's appointment. He noted the agreement will also involve a feasibility study for a Joint Powers Authority.
- (b) He noted he appreciates staff's efforts to address residents' concerns in Resolution No. 15-3106 revising MacArthur Park's hours, which was adopted by the City Council earlier this evening.
- (c) He noted El Niño will be here in early 2016 and asked if staff could prepare some information on what the City is doing and what residents can do to prepare.

City Manager Starr noted the City intends to do so as well as posting information on electronic bulletin boards in all City facilities and scheduling a Council workshop in January to discuss El Niño preparedness.

- (d) He thanked staff for their work on the *Tree Lighting Ceremony* and *Dashing Through Montclair* events.
- (e) He stated the San Bernardino attack happened in Montclair's back yard, noting that these attacks can take place anywhere, not just the big cities one might expect. He expressed his gratitude and admiration of all of the agencies involved in the response to the December 3rd terrorist attack.

He requested this meeting be adjourned in memory of those who lost their lives in the December 3, 2015 San Bernardino terrorist attack.

4. Council Member/Director Ruh commented as follows:

- (a) He advised that **Congresswoman Norma Torres's** office has been holding several workshops related to El Niño preparedness and recommended staff contact her office for information presented at those workshops as to not duplicate staff time.
- (b) He stated he enjoyed the *Tree Lighting Ceremony*, noting he assisted Community Action Committee Member Darlene Ferraro with keeping the line in order for refreshments. He thanked all of the members of the CAC for its tireless efforts volunteering at these events.
- (c) He noted *Dashing Through Montclair* was a tremendous success; he thanked staff for their tireless efforts in making the event a success the entire day.
- (d) He noted 74 years ago from this day, Pear Harbor was attacked. He noted the military responded appropriately; however, he feels society inappropriately responded by indicting an entire ethnic group, Japanese-Americans, and condemning them to internment camps for four years. He noted recent events have brought about similar rhetoric in the political and social spheres and urged the community to not give in to hate nor condemn an entire race or religion based on the actions of a few.

F. Committee Meeting Minutes

1. Minutes of Personnel Committee Meeting of November 16, 2015

The City Council received and filed the minutes of the Personnel Committee meeting of November 16, 2015, for informational purposes.

2. Minutes of Public Works Committee Meeting of November 19, 2015

The City Council received and filed the minutes of the Public Works Committee meeting of November 19, 2015, for informational purposes.

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

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

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

At 8:02 p.m., the City Council went into Closed Session regarding potential and pending litigation and labor negotiations pursuant to Government Code Sections 54956.9(d)(4), 54956.9(d)(1) and 54957.6, respectively.

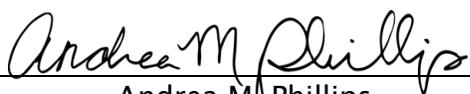
XIII. CLOSED SESSION ANNOUNCEMENTS

At 8:52 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding potential and 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 8:52 p.m., Mayor Eaton adjourned the City Council in memory of those whose lives were lost in the December 3, 2015, San Bernardino terrorist attack: Robert Adams, Isaac Amanios, Bennetta Bet-Badal, Harry Bowman, Sierra Clayborn, Juan Espinoza, Aurora Godoy, Shannon Johnson, Larry Kaufman, Damian Meins, Tin Nguyen, Nicholas Thalasinios, Yvette Velasco, and Michael Wetzel.

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