

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 21, 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**

Council Member Dutrey gave the Invocation.

**III. PLEDGE OF ALLEGIANCE**

**Corporal Chris Tanner, U.S. Army**, 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; City Attorney Robbins; Deputy City Clerk Phillips

**V. PRESENTATIONS**

**A. 2015 Holiday Home Decoration Contest Winners**

Mayor Eaton announced that the Montclair Community Action Committee (CAC) has once again sponsored its Holiday Home Decoration Contest as part of the City's ongoing efforts to encourage community pride and spirit. He noted CAC Chairperson Laurie Milhiser would be announcing the contest winners.

CAC Chairperson Milhiser announced the following 18th Annual Holiday Home Decoration Contest 2015 winners while Mayor Eaton presented each with a framed *Award of Excellence* certificate and a Target® gift card.

*Category*

*Winner*

Lights, Lights, & More Lights: **Haro** family, 9451 Rose Avenue  
Celebration of the Season: **Ramirez** family, 4362 San Bernardino Street  
Children's Wonderland: **Stovel** family, 9726 Ramona Avenue

CAC Chairperson Milhiser congratulated all of the winners and thanked them for sharing their creativity with the community. She encouraged everyone to take a look at these beautifully decorated homes to share in the joy and spirit of Christmas, noting copies of the list of winners are available in the Council Chambers and at City Hall and the winners will be displayed on the City's website at [www.cityofmontclair.org](http://www.cityofmontclair.org).

On behalf of the City Council, Mayor Eaton thanked CAC Chairperson Milhiser and the CAC for organizing and facilitating this event each year and the Human Services and Public Works Departments for staff's hard work over the past several weeks related to Christmas season celebrations. He stated, "You have all

done a good job, and we thank you so very much." Lastly, he thanked all residents who take the time each year to decorate their homes for the holidays "for your hard work in making your homes beautiful, thereby beautifying Montclair."

#### **B. Introduction of New Employee**

Public Safety Executive Director deMoet introduced **Mr. Michael Searing**, who was appointed to the position of Police Officer effective December 9, 2015.

Public Safety Executive Director deMoet noted **Mr. Searing** grew up in Corona where he currently resides with his family. He graduated from **John F. Kennedy Middle College High School** in 2010, and went on to attend college at **Merced College** where he earned an Associate of Science Degree in Administration of Justice in 2013. After college, **Mr. Searing** enrolled in the **San Bernardino Valley College Extended Law Enforcement Academy**, graduating on September 19, 2015, as a squad leader ranked 5th of 18 recruits.

Public Safety Executive Director deMoet noted **Mr. Searing** enjoys working on cars and spending time with his family and his girlfriend. His career goals are to gain experience working on special assignments for the Montclair Police Department and continuing on to higher education.

Mayor Eaton welcomed Police Officer Searing and presented him with a City pin.

#### **VI. PUBLIC COMMENT - None**

#### **VII. PUBLIC HEARINGS**

##### **A. First Reading - Introduction 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, and Setting a Public Hearing for Second Reading and Adoption of Ordinance No. 15-955 on Monday, January 4, 2016, at 7:00 p.m. in the City Council Chambers**

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.

Moved by Council Member Dutrey and seconded by Council Member Ruh that 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

The City Council set a public hearing to consider the second reading and adoption of Ordinance No. 15-955 on Monday, January 4, 2016, at 7:00 p.m. in the City Council Chambers.

## **VIII. CONSENT CALENDAR**

Moved by Council Member/Director Ruh, seconded by Mayor Pro Tem/Vice Chairperson Raft, 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 December 7, 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 December 7, 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 November 30, 2015.

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

The City Council approved the City Warrant Register dated December 21, 2015, totaling \$660,396.78; and the Payroll Documentation dated December 13, 2015, amounting to \$735,844.91 gross, with \$500,401.58 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 November 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 11.01.15-11.30.15 in the amounts of \$25,954.68 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 November 30, 2015.

#### **6. Approval of MHC Warrant Register**

The MHC Board approved the MHC Warrant Register dated 11.01.15-11.30.15 in the amount of \$57,312.79.

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

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

**8. Approval of MHA Warrant Register**

The MHA Commissioners approved the MHA Warrant Register dated 11.01.15–11.30.15 in the amount of \$0.00.

**9. Setting a Public Hearing to Consider Adoption of Resolution No. 16–3107 Amending the Master User Fee Schedule**

The City Council set a public hearing for Monday, January 4, 2016, at 7:00 p.m. in the City Council Chambers to consider adoption of Resolution No. 16–3107 amending the Master User Fee Schedule.

**10. Confirming the Mayor's Recommendation to Appoint Mayor Pro Tem Raft to Serve as the City's Designated Elected Public Official on the Solid Waste Advisory Task-Force of San Bernardino County and Accountant Janet Kulbeck to Serve as the Designated Alternative Representative**

The City Council confirmed Mayor Eaton's recommendation to appoint Mayor Pro Tem Raft to serve as the designated elected public official on the Solid Waste Advisory Task-Force of San Bernardino County and Accountant Janet Kulbeck to serve as the designated alternative representative.

**11. Approval of the Montclair Housing Authority Annual Report Pursuant to Section 3416.1(f) of the Health and Safety Code (SB 341) for Fiscal Year 2014–15**

The City Council/Montclair Housing Authority Commissioners approved the Montclair Housing Authority Annual Report pursuant to Section 34176.1(f) of the Health and Safety Code (SB 341) for Fiscal Year 2014–15.

**C. Agreements**

**1. Approval of *Agreement No. 15–89* with Southern California Edison Company for On-Bill Financing for the Installation of LED Lights and Fixtures by Third-Party, Ecogreen Solutions, Inc.**

**Authorizing Facilities and Grounds Superintendent Mike McGehee to Sign *Agreement No. 15–89* on Behalf of the City**

The City Council took the following actions:

- (a) Approved *Agreement No. 15–89* with Southern California Edison for on-bill financing for the installation of LED lights and fixtures by third-party, Ecogreen Solutions, Inc.
- (b) Authorized Facilities and Grounds Superintendent Mike McGehee to sign *Agreement No. 15–89* on behalf of the City.

**2. Approval of *Agreement No. 15–97* with Bartel Associates, LLC for Completion of the Required Governmental Accounting Standards Board Statement No. 45 Actuarial Valuation**

The City Council approved *Agreement No. 15–97* with Bartel Associates, LLC for completion of the required Governmental Accounting Standards Board Statement No. 45 actuarial valuation.

**D. Resolutions – None**

IX. PULLED CONSENT CALENDAR ITEMS – None

X. RESPONSE – None

XI. COMMUNICATIONS

A. City Department Reports

1. Police Department

- a. **Police Officer of the Year** – Public Safety Executive Director deMoet introduced Sergeant John Minook, who was selected as the Montclair Police Department's Officer of the Year. He noted "the Officer of the Year Award is presented each year to the police officer whose contribution to the Montclair Police Department and the community goes above and beyond that which is routinely expected. The recipient of this award is selected by the Sergeants." He stated Sergeant Minook began his law enforcement career with the Montclair Police Department in 2010 and became a Detective in March of 2014. On November 2, 2015, he was promoted to Sergeant. He noted Sergeant Minook has closed several high profile cases, many due to written confessions obtained in interviews he conducted with suspects.

He stated, "Detective Minook, you present a professional image of the law enforcement profession. You have provided guidance and wisdom to new officers and many of your peers. Your military experience has been a cornerstone of your experience, professionalism, and maturity when dealing with stressful situations. You have a strong tactical sense in firearms, other training platforms, and planning for operations like search warrants. I commend you on your dedication to those you work and train with along with the profession of law enforcement. John Minook is a true professional, and has dedicated himself to a life of public service. I am proud to call him the Montclair Police Department 2015 Officer of the Year."

2. Public Works Department

Public Works Director Hudson reported the following:

a. **Capital Projects Update**

- *Monte Vista/Union Pacific Railroad Grade Separation Project* – This project continues to progress on an accelerated schedule and 100 percent of the plan submittal is expected to be completed by tomorrow. Final comments are due to the consultant by the end of January, and **San Bernardino Associated Governments (SANBAG)** will be sending the construction management portion of the project to bid soon after. Staff is working with **Union Pacific Railroad** to complete an allocation request to the **Public Utilities Commission**, which should be submitted in March. In September or October of 2016, staff expects **SANBAG** to advertise for construction. He estimated construction should begin by this time next year.
- *Signal Modification Project at Central Avenue and San Bernardino Street* – This project, which began in early December, is currently on hold due to traffic congestion issues and construction will resume in

January for completion by the end of the month.

- *Costco Signal Modification on Central Avenue* - Staff estimates this project will need several more weeks for completion, and the Community Development Department will not allow the property owner release occupancy permits to tenants until the project is completed as an incentive to get the work done quickly.

### 3. Human Services Department

Human Services Director Richter reported the following:

#### a. Holiday Program Update -

- *Letters to Santa* - Santa has replied to the 225 letters that were received at the *Tree Lighting Ceremony*.
- *Annual Holiday Food & Toy Drive* - The drive was a success with over 180 needy families (over 900 individuals) served and over 350 children received toys to make their holidays brighter. Staff's assistance in distributing the baskets was greatly appreciated by the residents.

Thank you to our City Council, City Manager, Administrative Services, Finance, Economic Development, Information Technology, Community Development, Public Works, Police, and Fire Departments/Divisions for the assistance with all of the holiday programs so our Montclair community can have the happiest of holidays. Human Services Director Richter wished everyone a "Merry Christmas!"

### B. City Attorney

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

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

##### *Oyler v. Montclair*

City Attorney Robbins noted staff would like to propose a change in the Ordinance adoption procedure. First, she noted the Second Reading date will now be addressed at the First Reading. She advised it has been the practice of this City to consider Ordinances fully and "read by number and title only" at both the First and Second Readings; however, the Council is only required to introduce an Ordinance at the First Reading and adopt it at the Second Reading, and "reading by number and title only" is only necessary at either the First Reading/introduction or the Second Reading/adoption. She noted some City Councils will put one of the readings on the consent calendar. She gave the example that the Council could hold the First Reading/introduction of the Ordinance at a public hearing and "read by number and title only," and place the Second Reading on the consent calendar for adoption; or it could do it the other way around with the First Reading/introduction on the consent calendar and "read by number and title only" at the Second Reading/adoption during a public hearing. She noted the current procedure is also fine, but noted it is going above and beyond the requirements of state law. She noted this could be placed as a future discussion item for Council's consideration at a later time.

Council Member Ruh stated he prefers the current method, noting he feels it is important to provide as many opportunities for public discourse as possible on Ordinances. He asked what brought this

about and whether this would require a vote.

City Attorney Robbins stated this could be agendaized for further discussion and Council action at a future meeting, and noted it was brought to her attention when staff was working on re-doing the agenda report for the second First Reading.

Council Member Martinez asked if the method could be based on the circumstances of the item being considered.

City Attorney Robbins recommended the same procedure be used to assist staff in preparing the items for the agenda.

#### C. City Manager/Executive Director

1. City Manager Starr noted he met with **Assembly Member Freddie Rodriguez** concerning his support of bringing the **Gold Line** to Montclair and ultimately **Ontario International Airport**. He noted that he feels that he has convinced **Assembly Member Rodriguez** that it is important to emphasize building the **Gold Line** to Montclair before advocating its advancement to the **Ontario International Airport** because **SANBAG** is already invested in bringing it to Montclair and once it has passed the County line, it will be much easier to gain support for bringing the **Gold Line** to the airport.
2. He expressed his deepest condolences to **Mr. Loren Martens** for the loss of his dear wife.
3. He wished everyone a Merry Christmas and Happy Holidays.

#### D. Mayor/Chairman

Mayor/Chairman Eaton reported that he attended meetings of the **Omnitrans Administrative and Finance Committee** and **San Bernardino Associated Governments Board**.

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

1. Council Member Martinez commented as follows:
  - (a) She thanked staff for its tremendous efforts toward the holiday programs, noting her daughter received a letter from Santa.
  - (b) She thanked **Augusta Communities** for inviting her to be a judge of their holiday mobile home decoration contest alongside Mayor Pro Tem Raft and Council Member Ruh.
  - (c) She congratulated the *Annual Holiday Home Decoration Contest* winners.
  - (d) She congratulated Sergeant Minook on being selected as the Montclair Police Department's Office of the Year.
  - (e) She advised that she will be speaking at an event at **Scripps College** on February 4, 2016, and noted she would provide more details to those who are interested in attending.
  - (f) She wished everyone a Merry Christmas and Happy New Year.
2. Mayor Pro Tem Raft commented as follows:
  - (a) She wished everyone a wonderful and safe Holiday and a Happy New Year.
  - (b) She requested tonight's meeting be closed in memory of Mr. Loren Martens' beloved wife.

3. Council Member/Director Dutrey commented as follows:
  - (a) He congratulated Mayor Pro Tem Raft on her appointment to the San Bernardino Solid Waste Advisory Task-Force and advised her to tour the **Burrtec** facility which he feels she will find fascinating.
  - (b) He thanked staff for its hard work on the *Holiday Food & Toy Drive*.
  - (c) He stated the City's prayers are with **Mr. Martens** in this difficult time.
  - (d) He noted as the year comes to an end and he looks forward to 2016, he would like to see some construction beginning on **Montclair Place** during the next year.
  - (e) He wished everyone a Merry Christmas, Happy Hanukkah, and Happy New Year.
4. Council Member/Director Ruh commented as follows:
  - (a) He thanked staff for its hard work on the holiday programs, as well as the Community Action Committee's tireless dedication with planning and volunteer work.
  - (b) He noted he had a great time judging the home decorations for the **Augusta** mobile home parks.
  - (c) He noted he attended the **Montclair City Employees' Association** 2015 Holiday Party, which had a great turnout of 80 attendees and was a lot of fun.
  - (d) He offered his sincere condolences to **Mr. Martens**, noting he had attended their 50th anniversary celebration. He stated **Sylvia** will be missed.
  - (e) In recognition of the holiday season, he read the poem "**Some Children See Him**" by **Reverend Bates Burt** (with music composed by his son, jazz musician **Alfred Burt**), noting it was often performed by the **Four King Cousins** on their television specials in the 1950s.

#### F. Committee Meeting Minutes

##### 1. Minutes of Real Estate Committee Meeting of November 16, 2015

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

##### 2. Minutes of Personnel Committee Meeting of December 7, 2015

The City Council received and filed the minutes of the Personnel Committee meeting of December 7, 2015, for informational purposes.

## XII. COUNCIL WORKSHOP

### A. El Nino Preparedness

Moved by Council Member Ruh, seconded by Mayor Pro Tem Raft, and carried unanimously to continue this item to an adjourned meeting on Monday, January 4, 2016, at 5:45 p.m. in the City Council Chambers.

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

At 7:56 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.

**Mr. Loren Martens**, 4285 Benito Street, thanked the City Council for its sympathy and thanked Council Member Ruh for remembering their 50th anniversary, noting next April they would have been celebrating their 60th anniversary.

Mayor Eaton again expressed his deepest condolences and noted the City Council will be adjourning tonight in **Mrs. Martens'** memory.

At 7:58 p.m., the City Council went into Closed Session regarding pending litigation pursuant to Government Code Section 54956.9(d)(1).

**XIV. CLOSED SESSION ANNOUNCEMENTS**

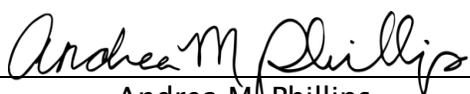
At 8:11 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding pending litigation; information was received and direction given to staff; and no further announcements would be made at this time.

**XV. ADJOURNMENT OF CITY COUNCIL**

At 8:11 p.m., Mayor Eaton adjourned the City Council to Monday, January 4, 2016, at 5:45 p.m. in the City Council Chambers for an El Niño Preparedness workshop.

The meeting was adjourned memory of long-time Montclair resident, **Mrs. Sylvia Joyce Martens**.

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