

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, FEBRUARY 16, 2016, 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

Elder Keith Wells, Love Sanctuary Community Church, gave the Invocation.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Raft led those assembled in the Pledge. She requested the pledge be followed by a moment of silence in memory of **Supreme Court Justice Antonin Scalia**, who sadly passed away on February 12, 2016.

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. Introduction of Promotee

Fire Chief Segalla introduced Brian Cizek, who was promoted from Firefighter to Fire Engineer.

He noted **Mr. Cizek** was born and raised in Upland and currently lives in Rancho Cucamonga with his wife of 11 years, Marisa, and their 9- and 5-year-old sons, Logan and Landon.

He stated, "**Brian** has a Bachelor of Arts degree in Sociology from **California State Polytechnic University, Pomona**, as well as an Associate of Science Degree in Fire Technology from **Chaffey College**. He currently serves as the Urban Search and Rescue Coordinator for the Department and is a hazmat technician working to become a specialist. **Brian** is involved with many committees at the Fire Department. He currently serves as the president of the **Montclair Fire Fighters Association** and is committed to making the Montclair Fire Department a great place to work.

"In his spare time, **Brian** enjoys spending time with his family and friends, snowboarding, traveling, camping, and cooking. He is looking forward to the challenges and rewards of a career in the fire service and is proud to be a member of the Montclair Fire Department."

Mayor Eaton congratulated Fire Engineer Cizek on his promotion and presented him with a City pin.

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:

First Annual - Friday, February 26, 2016 10:00 a.m. - 1:00 p.m.
Happy Hearts Westwind Community Center
Health Fair 2455 East Riverside Drive, Ontario
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. **Mr. Ricardo Lizama**, 10218 Benson Avenue, stated his displeasure with a purported lack of adequate lighting at City parks at night, advising that he has witnessed adolescents smoking in the darker areas of **Alma Hofman Park** at night. He also noted that he disagrees with the City's policy prohibiting organized sports teams playing at City parks. He stated that he feels his child's group playing soccer in the park was wrongly labeled as an organized sports team when they were asked by a staff member to cease the activity.

City Manager Starr stated the City Council will soon be receiving a memo from staff detailing recommendations for security improvements at the Skate Park and noted he would have a lighting assessment of the park included. He further advised that staff will look into **Mr. Lizama's** incident related to children playing soccer to determine whether any wrongdoing took place.

VII. PUBLIC HEARINGS - None

VIII. CONSENT CALENDAR

Moved by Council Member/Director Dutrey, seconded by Mayor Pro Tem/Vice Chairperson Raft, and carried unanimously to approve 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 February 1, 2016**

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 February 1, 2016 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 January 31, 2016.

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

Documentation

The City Council approved the City Warrant Register dated February 16, 2016, totaling \$869,935.17; and the Payroll Documentation dated February 7, 2016, amounting to \$620,083.81 gross, with \$431,777.47 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 January 31, 2016.

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 01.01.16–01.31.16 in the amounts of \$121,036.77 for the Combined Operating Fund and \$3,785,741.50 for the Redevelopment Obligation Retirement Funds.

5. Receiving and Filing of MHC Treasurer's Report

The MHC Board received and filed the MHC Treasurer's Report for the month ending January 31, 2016.

6. Approval of MHC Warrant Register

The MHC Board approved the MHC Warrant Register dated 01.01.16–01.31.16 in the amount of \$59,058.77.

7. Receiving and Filing of MHA Treasurer's Report

The MHA Commissioners received and filed the MHA Treasurer's Report for the month ending January 31, 2016.

8. Approval of MHA Warrant Register

The MHA Commissioners approved the MHA Warrant Register dated 01.01.16–01.31.16 in the amount of \$0.00.

10. Declaring Certain City Property as Surplus and Available for Auction or Destruction

The City Council declared the City property listed on the Property Auction Logs attached to the Agenda Report as surplus and available for auction or destruction.

11. Declaring All Existing Exercise Equipment in the Recreation Facility as Surplus and Authorizing Rasmussen Brothers Construction, Inc., to Dispose of the Equipment

The City Council declared all existing exercise equipment in the Recreation Facility as surplus and authorized Rasmussen Brothers, Inc., to dispose of the equipment.

12. Approval of the Memorandum of Understanding (MOU) between the City of Montclair and Montclair City Confidential Employees' Association (MCCEA)

The City Council approved the MOU between the City of Montclair and MCCEA.

C. Agreements

1. Approval of Tract Map No. 19970 Located on the South Side of Mission Boulevard West of Central Avenue

Approval of *Agreement No. 16-01*, a Subdivision Agreement with Mission 31, LLC, a California Limited Liability Company

Authorizing Tract Map No. 19970 to be Recorded with the Office of the San Bernardino County Recorder

The City Council took the following actions:

- (a) Approved Tract Map No. 19970 located on the south side of Mission Boulevard west of Central Avenue.
- (b) Approved *Agreement No. 16-01*, a subdivision agreement with Mission 31, LLC, a California Limited Liability Company.
- (c) Authorized Tract Map No. 19970 to be recorded with the office of the San Bernardino County Recorder.

2. Approval of *Agreement Nos. 16-02, 16-03, 16-04, 16-05, and 16-06* with Montclair Golden Girls Softball League, Montclair Little League, and All Cities Youth Baseball for use of Ball Field Facilities

The City Council approved Agreement Nos. *16-02, 16-03, 16-04, 16-05, and 16-06* with Montclair Golden Girls Softball League, Montclair Little League, and All Cities Youth Baseball for use of the subject ball field facilities.

3. Approval of *Agreement No. 16-07* amending Agreement No. 00-34, a Professional Services Agreement between the City of Montclair, the City of Montclair Successor Agency, and the Montclair Housing Authority, and Stradling Yocca Carlson & Rauth.

The City Council, Successor Agency Board of Directors, and Montclair Housing Authority Commissioners approved *Agreement No. 16-07* amending Agreement No. 00-34, a Professional Services Agreement between the City of Montclair, the City of Montclair Successor Agency, and the Montclair Housing Authority, and Stradling Yocca Carlson & Rauth.

4. Approval of Draft *Agreement No. 16-15* with San Bernardino Associated Governments Approving a Trade Corridor Improvement Fund Baseline Agreement for Construction Funds for the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project, Subject to Final Approval by City Attorney Robbins

Authorizing City Manager Starr to Sign Agreement No. 16-15 when it is Completed

The City Council took the following actions:

- (a) Approved Draft *Agreement No. 16-15* with San Bernardino Associated Governments approving a Trade Corridor Improvement Fund Baseline Agreement for construction funds for the Monte Vista Avenue/Union Pacific Railroad Grade Separation Project, subject to final approval by City Attorney Robbins.
- (b) Authorized City Manager Starr to sign *Agreement No. 16-15* when it is completed.

5. Approval of Draft *Agreement No. 16-16* with Union Pacific Railroad and San Bernardino Associated Governments for the Construction and Maintenance of a Railroad Grade Separation Project at Monte Vista Avenue, Subject to Final Approval by City Attorney Robbins

The City Council approved draft *Agreement No. 16-16* with Union Pacific Railroad and San Bernardino Associated Governments for the construction and maintenance of a Railroad Grade Separation Project at Monte Vista Avenue, subject to final approval by City Attorney Robbins.

6. Approval of Agreement No. 16-18 with Union Pacific Railroad and San Bernardino Associated Governments for the Construction and Maintenance of a Railroad Grade Separation Project at Monte Vista Avenue, Subject to Final Approval by City Attorney Robbins

The City Council approved draft *Agreement No. 16-18* with Union Pacific Railroad and San Bernardino Associated Governments for the construction and maintenance of a Railroad Grade Separation Project at Monte Vista Avenue, subject to final approval by City Attorney Robbins.

D. Resolutions - None

IX. PULLED CONSENT CALENDAR ITEMS

B. Administrative Reports

9. Setting a Public Hearing for Monday, March 7, 2016, at 7:00 p.m. in the City Council Chambers to Consider Adoption of Resolution No. 16-3112 Establishing Permit Fees, Appeal Fees, and Other Fees Relating to Massage Establishments and Massage Technicians and Amending the Master User Fee Schedule

City Attorney Robbins noted "Section 2. Effective Date" shall be revised to reflect that the Resolution will become effective immediately upon adoption, rather than after 30 days as stated in the draft that is attached to the report. She advised that the final version will reflect this information.

The City Council set a public hearing for Monday, March 7, 2016, at 7:00 p.m. in the City Council Chambers to consider adoption of Resolution No. 16-3112 establishing permit fees, appeal fees, and other fees relating to massage establishments and massage technicians and amending the Master User Fee Schedule.

X. RESPONSE - None

XI. COMMUNICATIONS

A. City Department Reports

1. Police Department

a. Active Shooter Training - Public Safety Executive Director deMoet reported that the Montclair Police Department along with the Montclair and Upland Fire Departments participated in active shooter training in anticipation for mutual response to active shooter events. He described the contemporary shift in response strategy to active shooter events that has occurred since the Columbine shooting—from a tactic of surrounding and securing the threat, to an immediate response strategy with the goal of eliminating the threat as quickly as possible.

b. K-9 Program Update - Public Safety Executive Director deMoet advised the bloodhound is still being trained and is expected to be delivered to the Police Department in April, with its Swearing-In Ceremony anticipated to occur in May.

2. Community Development Department

a. Development Projects Update

Community Development Director Lustro reported the following:

- *Montclair Shoppes* – This development is a new shopping center located across from **Costco**. Units A and B are expected to reach the requirements to obtain occupancy permits in March.
- *Orchard Plaza* – This shopping center located at Holt Boulevard and Ramona Avenue is near completion, only requiring public improvements along Ramona Avenue. Occupancy permits are likely to be issued in two to three months.
- *Old KFC Building* – A **Fatburger** is expected to open at the old **KFC** location on Central Avenue south of Richton Street. Plans are currently in review.
- *4500 Blocks of Holt Boulevard and Brooks Street* – A formal application was submitted to construct two quick serve restaurants in the 4500 block of Holt Boulevard between **Jack in the Box** and **Pomona Valley Habitat for Humanity ReStore**, as well as two industrial buildings totaling 40,000 square feet just south of that on the 4500 block of Brooks Street.
- *Commercial/Industrial Development on Brooks Street* – A developer has submitted plans for a combination commercial/industrial development at Brooks Street on the west side of Central Avenue.
- *Residential Developments* – Two developers are interested in developing a total of 400 units on two sites in the north area of Montclair, and staff has recently received an updated application for a 23-unit development south of Fire Station No. 1 on Monte Vista Avenue, at the former **Greasemonkey** site, surrounded on both sides by the **Paseos**.
- At its next meeting, the Planning Commission will consider approval of two tentative tract maps: one for a 22-unit detached condominium unit, and the second for a 9-unit single family development in the 4900 block of Mission Boulevard. If approved by the Planning Commission, the City Council would need to approve a General Plan Amendment and Zone Change, as well as approve the Tentative Tract Maps at the second meeting in March.

Council Member Ruh asked if his understanding is correct that a popular Southern California-based hamburger chain will be going in the *Montclair Shoppes*, and whether there is an estimate as to when that will open.

Community Development Director Lustro advised if the developer works quickly, it could open as early as April, adding it will be an **Original Tommy's Hamburgers**.

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**

Patton/Cunningham v. Montclair

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

Nguyen v. Montclair

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

1 potential case

C. City Manager/Executive Director

City Manager/Executive Director Starr commented as follows:

1. He noted the **California State Transportation Agency (CalSTA)** may consider an application for funding the **Gold Line's** Montclair Segment with state cap-and-trade funds. He noted there is still uncertainty as to which entity will need to submit the application to **CalSTA** as lead agency—the City of Montclair, **SANBAG**, or **Metro**—noting it will likely be **Metro**. He added that because **Governor Brown** has requested that an additional \$400 million be made available for state transit projects, this project is expected to be considered high priority. It is possible that the funding could be received in time to construct the Montclair Segment of the **Gold Line** on schedule with **Phase 2B** of the **Gold Line** extension from Azusa to Claremont.
2. He stated that the two workshops listed on tonight's agenda will be held on two different dates. The Midyear Budget Review will be on Thursday, February 18, 2016, at 6:00 p.m., and the Monte Vista Avenue Grade Separation Project Update will be presented on Monday, March 7, 2016, at 5:45 p.m.

D. Mayor/Chairman

Mayor Eaton advised that he attended the **Omnitrans Finance and Administrative Committee**, the **Metro Valley Study Session**, and the **Metrolink Board** meetings. He noted that **Executive Director Raymond Wolfe** has assured him that when the **Gold Line** reaches Claremont, it will reach Montclair as well.

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

1. Council Member/Director Martinez commented as follows:
 - (a) She thanked **Elder Wells** for delivering tonight's invocation.
 - (b) She noted the **Battle of the Badges Blood Drive** is going on until 8:00 p.m. tonight at the Senior Center and encouraged those in attendance to give blood.
 - (c) She stated the Chamber of Commerce is holding a networking breakfast at 7:30 a.m. at **Magdaleno's** this Thursday.
 - (d) She advised **Chino Basin Water Conservation District** is giving away free mulch.
 - (e) She noted that she and Public Works Director Hudson attended a tour of the **State Water Project** and **Sacramento-San Joaquin Delta** hosted by **Metropolitan Water District** from February 5th through the 6th. She

noted other attendees, totaling about 32, included the Vice Principal and a geology teacher from **Montclair High School**, and **Council Member Gino Filippi** of Upland. She noted the trip was sponsored by **Inland Empire Utilities Agency**.

- (f) She reported that she and Upland **Council Member Carol Timm** participated in a *Women in Politics* panel at **Scripps College** in Claremont.
 - (g) She stated she was excited to read in a publication that Montclair has the greatest degree of political stability over two decades compared to area cities.
 - (h) She thanked Mayor Pro Tem Raft for requesting a moment of silence in memory of **Justice Scalia**, noting he was her inspiration for deciding to study law.
2. Mayor Pro Tem/Vice Chairperson Raft stated that she donated blood this evening.
3. Council Member/Director Dutrey commented as follows:
- (a) He noted he also donated blood this evening before the meeting.
 - (b) He noted he read in the *Inland Valley Daily Bulletin* an article discussing a business moving from Los Angeles County to Montclair, noting the price to do business is much more affordable in Montclair.
 - (c) He noted about six months ago a double homicide occurred in Montclair and recently a suspect was apprehended from that case. He recognized the Police Department for its excellent work solving that case. He noted he was also informed by Lieutenant Kumanski that a cold case homicide from 1984 has recently been solved.
 - (d) He congratulated Public Safety Executive Director deMoet for being awarded the **Peace Officer Standards of Training (POST) Executive Certificate** by **POST Executive Director Bob Stresak** at the **County Police Chiefs and Sheriffs Association** meeting.
 - (e) He recognized Public Works Director Hudson for achieving lifetime membership of the **American Society of Civil Engineers**.
 - (f) He recognized a new restaurant that recently opened in Montclair called **Anna's Café** on Central Avenue. He encouraged the community to try their excellent food, noting they serve breakfast and brunch.
 - (g) He recognized the **Chamber of Commerce** on their new banners, noting they look good.
 - (h) He noted he was alerted by a resident that the flags were not lowered for **Justice Scalia**, and asked that they be lowered if they have not already.
- City Manager Starr advised the flags have been lowered.
- (i) He recognized former Montclair City Council Member **Nicholas Kelch**, who passed away on January 21, 2016. He asked that tonight's meeting be adjourned in his memory.

4. Council Member/Director Ruh commented as follows:

- (a) He congratulated Public Safety Executive Director deMoet on his **POST** Executive Certificate and the rest of the Department on its recently solved homicides.
- (b) He noted he was happy to hear the good news about the **Gold Line** funding. He listed the many benefits increasing mass transit opportunities would have for this community.
- (c) He noted he intends to propose an idea to state legislative representatives to enact a traffic warning system and perhaps prevent vehicles from accessing certain onramps during gridlock traffic jams.
- (d) He noted that last Thursday, Indiana-based **Carrier Corp.** announced plans to relocate its plant to Monterrey, Mexico, laying off 1,400 employees after they train their new replacements in Mexico. He lambasted the country's apparent valuation of low priced air conditioning over the livelihood of its citizens. He urged the community to continue to shop locally and not support goods manufactured overseas.
- (e) He stated the **Candlelight Pavilion Theater** in Claremont is currently showing *Guys and Dolls*.

F. Committee Meeting Minutes

1. Minutes of Real Estate Committee Meeting of January 19, 2016

The City Council received and filed the minutes of the Real Estate Committee meeting of January 19, 2016, for informational purposes.

2. Minutes of Public Works Committee Meeting of January 21, 2016

The City Council received and filed the minutes of the Public Works Committee meeting of January 21, 2016, for informational purposes.

3. Minutes of Personnel Committee Meeting of February 1, 2016

The City Council received and filed the minutes of the Personnel Committee meeting of February 1, 2016, for informational purposes.

XII. COUNCIL WORKSHOP

A. Midyear Budget Review

B. Monte Vista Avenue/Union Pacific Railroad Grade Separation Project Update

Moved by Council Member Ruh, seconded by Mayor Pro Tem Raft, and carried unanimously to continue these two items to an adjourned meeting on Thursday, February 18, 2016, at 6:00 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 7:55 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 7:57 p.m., the City Council went into Closed Session regarding real property negotiations pursuant to Government Code Sections 54956.8.

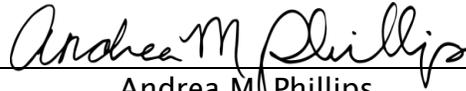
XIV. CLOSED SESSION ANNOUNCEMENTS

At 8:32 p.m., the City Council returned from Closed Session. Mayor Eaton announced the City Council met in Closed Session regarding real property negotiations; information was received and direction given to staff; and no further announcements would be made at this time.

XV. ADJOURNMENT OF CITY COUNCIL

At 8:33 p.m., Mayor Eaton adjourned the City Council to Thursday, February 18, 2016, at 6:00 p.m. in the City Council Chambers for the Midyear Budget Review in memory of former Montclair Council Member **Nicholas Kelch** and **Supreme Court Justice Antonin Scalia**.

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